

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 484

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL ENERGY CONSERVATION CODE, TO PROVIDE PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE CORRECT BUILDING CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of building safety and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) ~~herein~~ of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

(iii) Including the incorporated International Residential Code, parts I, II, III, IV and IX; International Energy Conservation Code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included.

(b) ~~The 2006 International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Residential Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect~~ The version of the International Residential Code adopted by the Idaho building code board, together

with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts V, VI, VII and VIII, as they pertain to mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho residential code by the board shall be made by administrative rules promulgated by the board;

(c) ~~The 2006 International Energy Conservation Code as published by the International Code Council shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Energy Conservation Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect.~~ The version of the International Energy Conservation Code adopted by the Idaho building code board, together with the amendments, deletions or additions adopted by the Idaho building code board through the negotiated rulemaking process provided in this chapter, shall be in effect. The International Energy Conservation Code, together with any amendments, revisions or modifications made by the board, shall collectively constitute and be named the Idaho energy conservation code. The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the Idaho energy conservation code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho energy conservation code by the board shall be made by administrative rules promulgated by the board; and

(d) The 2006 International Existing Building Code as published by the International Code Council shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the International Residential Building Code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public

hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

(b) ~~International~~ Idaho ~~r~~Residential ~~C~~code, parts I-IV and IX; and

(c) ~~International~~ Idaho ~~e~~Energy ~~C~~conservation ~~C~~code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the ~~International~~ Idaho ~~b~~Building ~~C~~code and the International Residential Code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the

1 adopted building code. A local jurisdiction shall not have the authority to
2 amend any accessibility provision pursuant to section 39-4109, Idaho Code,
3 except as provided in paragraphs (a) and (b) of this subsection.

4 (a) A local jurisdiction shall not have the authority to amend any ac-
5 cessibility provision pursuant to section 39-4109, Idaho Code.

6 (b) A local jurisdiction shall not adopt any provision of the Inter-
7 national Building Code or ~~International~~ Idaho ~~r~~Residential ~~C~~code or
8 appendices thereto, that has not been adopted or that has been expressly
9 rejected or exempted from the adopted version of those codes by the
10 Idaho building code board through the negotiated rulemaking process as
11 provided in section 39-4109, Idaho Code. Provided however, that, af-
12 ter a finding by the local jurisdiction that good cause exists for such
13 an amendment to such codes and that such amendment is reasonably nec-
14 essary, a local jurisdiction may adopt such provision by ordinance in
15 accordance with the provisions of chapter 9, title 50, Idaho Code, and
16 provided further that such local jurisdiction shall conduct a public
17 hearing and, provided further, that notice of the time and place of the
18 public hearing shall be published in the official newspaper or paper of
19 general circulation within the jurisdiction and written notice of each
20 of such public hearing and the proposed language shall be given by the
21 local jurisdiction to the local chapters of the entities identified in
22 section 39-4109(5), Idaho Code, not less than thirty (30) days prior
23 to such hearing. In the event that there are no local chapters of such
24 entities identified in section 39-4109(5), Idaho Code, within the local
25 jurisdiction holding the hearings, the notice shall be provided to the
26 state associations of the respective entities.

27 (5) Local governments shall exempt agricultural buildings from the re-
28 quirements of the codes enumerated in this chapter and the rules promulgated
29 by the board. A county may issue permits for farm buildings to assure com-
30 pliance with road setbacks and utility easements, provided that the cost for
31 such permits shall not exceed the actual cost, to the county, of issuing the
32 permits.

33 (6) Permits shall be governed by the laws in effect at the time the per-
34 mit application is received.

35 (7) The division shall retain jurisdiction for in-plant inspections
36 and installation standards for manufactured or mobile homes and for in-plant
37 inspections and enforcement of construction standards for modular buildings
38 and commercial coaches.